

Packed By Atlantic Presv'g Co. Philadelphia", the word "imitation" appearing in much smaller type than the words "Peach Jam", "Pineapple Jam, etc."

The preserves were alleged to be adulterated in that excessive amounts of sugar and water, in some instances, pectin, and in other instances, pectin and acid, had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; in that substances, namely, mixtures of fruit, sugar, and water, in some instances containing pectin, and in others, pectin and acid, and containing less fruit than is contained in preserves, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

Misbranding of the preserves was alleged for the reason that the statements, "Nature's Best Pure Strawberry [or "Raspberry"] Preserves", borne on the label, were false and misleading; for the further reason that the articles were labeled so as to deceive and mislead the purchaser; and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the jams was alleged for the reason that the statements, "Nature's Best \* \* \* imitation Peach [or "Pineapple", "Apricot", "Strawberry", "Raspberry"] Jam", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the statements in large conspicuous type, "Nature's Best Peach (etc) Jam", overshadowed the inconspicuous small-type word "imitation" in such manner that the articles were represented to be fruit jams; whereas they were imitations and the word "imitation" was not in an equal and as prominent size type as the name of the fruit. Misbranding of the jams was alleged for the further reason that the statement "2 Lbs. Net Wt." was false and misleading; for the further reason that they were labeled so as to deceive and mislead the purchaser; and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since each of a number of the jars contained less than so declared.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court suspended sentence and placed the defendant on probation for 30 days.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23156. Adulteration and misbranding of preserves; and misbranding of cranberry jelly. U. S. v. P. Harold & Sons, Inc. Plea of nolo contendere. Defendant placed on probation. (F. & D. no. 32106. Sample nos. 38087-A to 38095-A, incl., 38176-A to 38182-A, incl., 38188-A to 38194-A, incl.)**

This case was based on various shipments of preserves which were short weight or which contained less fruit than preserves should contain, a majority of the lots being in violation of the law in both respects. Added water, pectin, and acid were found in certain of the preserves. There was also included one lot of cranberry jelly that was short weight. The net weight was not declared in proper form since it was not made in terms of the largest unit. One lot was in jars of 2-pound size, contained less than 2 pounds, and was labeled "12 Ounces."

On July 25, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against P. Harold & Sons, Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of November 1, 1932, and April 15, 1933, from the State of Pennsylvania into the State of New Jersey, of quantities of preserves and cranberry jelly which were misbranded, the majority of the various lots of preserves being also adulterated. The preserves were labeled in part: "Kulp's J. W. K. Pure Preserves Blackberry [or "Strawberry", "Red Raspberry", "Cherry", or "Peach"] Net Weight 16 Oz. [or "32 Ozs." or "12 Ozs."] Kulp Preserving Co. [or "P. Harold & Sons, Inc."] Philadelphia, Pa." The cranberry jelly was labeled in part: "Kulp's Pure Jelly Cranberry Contents 18 ounces, Kulp Preserving Co."

The information charged adulteration of certain of the preserves in that products containing less fruit than preserves contain, and in some instances containing added water, pectin, and tartaric acid, had been substituted for strawberry, raspberry, cherry, or peach preserves; and in that they had been mixed in a manner whereby inferiority was concealed.

from the State of Virginia into the State of Maryland, of quantities of apple butter which was adulterated. A portion of the article was labeled: "Mt. Vernon Brand Apple Butter National Fruit Product Company, Incorporated, Washington, D. C." The remainder was labeled: "Suntint Apple Butter Cumberland Valley Fruit Products Co., Martinsburg, W. Va."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance.

On October 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23159. Adulteration of canned salmon. U. S. v. Cook Inlet Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32219. Sample nos. 55307-A, 55320-A.)**

This case was based on an interstate shipment of canned salmon, samples of which were found to be tainted or stale.

On August 14, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cook Inlet Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 29, 1933, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Case) "Cook Inlet Packing Co., Seattle."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23160. Adulteration of canned salmon. U. S. v. Bartlett H. Claghorn (Salmon Exchange), and Union Fishermen's Cooperative Packing Co. Pleas of guilty. Fines, \$400. Sentences suspended. (F. & D. no. 32221. Sample nos. 55797-A, 55798-A, 55799-A, 64126-A, 64128-A.)**

Samples of canned salmon taken from the shipment involved in this case were found to be tainted, stale, or putrid.

On September 21, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bartlett H. Claghorn, trading as the Salmon Exchange at Astoria, Oreg., and the Union Fishermen's Cooperative Packing Co., a corporation, Astoria, Oreg., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 29, 1933, from the State of Oregon into the State of Illinois, of a quantity of canned salmon which was adulterated. A portion of the article was labeled: "Oceanic Brand Columbia River Salmon \* \* \* Packed by Union Fishermen's Co-op, Pkg. Co. Astoria, Ore." The remainder was labeled: "Blue Seal Salmon \* \* \* Distributed by Arthur Anderson Fish Co., Astoria, Ore."

The information charged adulteration of the article in that it consisted in part of a decomposed and putrid animal substance.

On October 16, 1934, the defendants each entered a plea of guilty and were each sentenced to pay a fine of \$200. The fines were ordered suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23161. Adulteration and misbranding of coffee. U. S. v. C. D. Kenny Co. Plea of guilty. Fine, \$25. (F. & D. no. 32235. Sample no. 62126-A.)**

This case was based on an interstate shipment of coffee that contained chicory.

On July 31, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. D. Kenny Co., a corporation, trading at Richmond and Norfolk, Va., alleging shipment by said company, on or about December 7, 1933, from the State of Virginia into the State of North Carolina, of a quantity of coffee which was adulterated and misbranded. The article was labeled in part: "Old North State Brand Coffee The Old Time Coffee With the Old Time Taste Packed Only for W. A. Davis, Conway, N. C."

The article was alleged to be adulterated in that chicory had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality